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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,038

Applicant(s)

ITO, MASAKAZU

Examiner

THANH T. VU

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18-20, and 22-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive to Amendment, filed 6/24/2009

Claims 16, 18-20, and 22-23 are pending in this application. In the Amendment, claims 1-15, 17, and 21 were cancelled, and claims 16, 19, 20, and 23 were amended.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20, 22, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the touch screen" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 18, and 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Balderrama et al. (U.S. Pat No 5,806,071).

Per claim 16, Balderrama teaches a display system, comprising:

a touch panel that simultaneously displays a first key group and a second key group (fig. 8, and col. 13, lines 1-32; *a first key group: 164a-164d; a second key group: 162a-162f*), the second key group including a product key and a first switching key (fig. 8; *a product key: item 1; a first switching key: 162f*), the first switching key switching a display to replace the second key group with a third key group on one display (fig. 8, col. 13, lines 35-46; *fig. 8 shows the second key group (162a-162f is replace with a third key group (172a-172e)*; and

a display switching unit that, in response to a pressed the first switching key, replaces the second key group with the third key group on the display of the touch panel so that the first key group and the third key group are simultaneously display (fig. 8; col. 13, lines 5-18, and lines 25-33; *which shows a first key group (i.e fix cells 164a-164d) remains the same from screen 160 to screen 170; and fig. 8 shows the second key group (162a-162f is replace with a third key group (172a-172e)*).

a key group master memory unit that stores key group master information for the first, the second, and the third key groups (col. 7, line 1-25; col. 11, lines 13-35; col. 12, line 65 - col. 13, line 17; *which shows storing of keys information in different tables (i.e. database)*);

a displayed key group attribute information storage unit, that stores, as displayed key group attribute information, the key group master information of the first, the second, and the third key groups (figs. 3 and 4; col. 5, lines 15-20; col. 7, lines 1-25; col. 11, lines 13-25; col. 13, lines 18-30; *which shows the touch screen displays key group information and accepting user input. It is noted that graphic memory or system memory is present in order for the touch screen to display the categories of items for sale and to allow user's interactions with the touch screen*); and

a operation key attribute obtaining unit that, in response to the pressed first switching key, obtains a link destination attribute and a link destination number in the displayed key group attribute information that corresponds to the first switching key, and outputs the link destination attribute and the link destination number to the display switching unit (figs. 8 and 9; col. 7, lines 1-4; col. 13, lines 34-65; *which shows obtaining cell attribute and track number in response to selection of 162f cell (ie. More Item Icon)*);

wherein, the display switching unit that, in response to receiving the link destination attribute and the link destination number from the operation key attribute obtaining unit, reads out from the key group master memory unit, the key group master information designated according to a received link destination attribute and a received link destination number in the displayed key group attribute information that corresponds to the pressed first switching key (figs. 8 and 9; col. 7, lines 1-4; col. 13, lines 34-65; *which shows the display screen reading out cell attribute and track number from the database in response to selection of More Item Icon*);

and replaces only the second key group with the third key group corresponding to the key group master information designated according to the link destination attribute and the link destination number for display on the touch panel (see figs. 8, 9, and 13; col. 7, lines 4-11 and col. 13, lines 18-46; *which shows the display screen are replaced only the second key group (162a-162f) with the third key group (172a-172e) corresponding to cell attribute and track number stored in the database*), and

updates the displayed key group attribute information by replacing only the key group master information of the second key group with the third key group (see figs. 8, 9, and 13; col. 7, lines 4-11 and col. 13, lines 18-46; *which shows the display screen is updated by replacing*

only the second key group (162a-162f) with the third key group (172a-172e) corresponding to cell attribute and track number stored in the database.)

Per claim 18, Balderrama teaches the display system according to claim 16, further comprising:

a price look-up (PLU) master memory unit that stores PLU master information including a product name and a product unit price (col. 9, lines 15-30 and col. 10, lines 25-32; *TABLE C storing PLU master information including a product name and a unit price*)

the operation key attribute obtaining unit that, in response to the pressed product key, obtains a link destination attribute and a link destination number in the displayed key group attribute information that corresponds to the pressed product key and outputting the link destination attribute and the link destination number (col. 7, lines 13-15 and col. 10, lines 25-32; col. 13, lines 10-15; *which shows "order window" displays selected item and price information read out from PLU information TABLE B*); and

sales processing unit that, in response to receiving the link destination attribute and the link destination number from a operation key attribute obtaining unit, reads out the PLU master information designated according to the link destination attribute and the link destination number in the displayed key group attribute information that corresponds to the pressed product key, and displays the PLU master information on the touch panel (col. 7, lines 13-15 and col. 10, lines 25-32; col. 13, lines 10-15; *which shows "order window" displays selected item and price information read out from PLU information TABLE B*).

Claims 20 and 22 are rejected under the same rationale as claims 16 and 18.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balderrama and Moderi et al. ("Moderi", U.S. Pat. No. 5,510,970).

Per claim 19, Balderrama teaches the display system according to claim 16, further comprising:

a key group master memory unit that stores key group master information for additional key groups (figs. 3 and 4; col. 7, lines 1-25; col. 11, lines 13-35; *which shows storing of key groups information in different tables*); wherein

the touch panel that displays the first key group and a fourth key group, the fourth key group including a product key and a second switching key that switches a display from displaying fourth key group to the additional key groups on the display (figs. 7, 18; and 13; col. 12, line 65- col. 13, lines 17);

the operation key attribute obtaining unit that, in response to the pressed second switching key, obtains a link destination attribute and a link destination number in the displayed key group attribute information that corresponds to the second switching key and outputs the link destination attribute and the link destination number to the display switching unit (see figs. 8, 9, and 13; col. 7, lines 4-11 and col. 13, lines 18-46);

the key group master memory unit that stores key group master information for the fourth, the additional key groups (figs. 3 and 4; col. 7, lines 1-25; col. 11, lines 13-35; *which shows storing of keys information in different tables*);

the display switching unit that, in response to receiving the link destination attribute and the link destination number from the operation key attribute obtaining unit, reads out from the key group set master memory unit, the key group set master information designated according to a received link destination attribute and a received link destination number and replaces the fourth key group with the fifth and sixth key groups corresponding to the key group master information designated according to the link destination attribute and the link destination number in the key group set master information (see figs. 8, 9, and 13; col. 7, lines 4-11 and col. 13, lines 18-46).

In addition, Balderrama teaches if seven or more items are included in a database, overflow cell 162f will enclose a "MORE ITEMS" icon for a second level menu group (e.g. menu 170 of fig. 8 or menu 290 of fig. 13), see col. 13, lines 34-46. Balderrama does not specifically teach a menu branch that has more than 11 items to display. However, Moderi teaches a menu that has more than 11 items to display (fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Moderi in the invention of Balderrama in order to allow the system to present menu items when there are more than 11 items to be displayed and this would provide users with a third menu level and a fourth menu level to a particular menu branch.

Claim 23 is rejected under the same rationale as claims 19.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Balderrama does not teach "updates the displayed key group attribute information by replacing only the key group master information of the second key group with the third key group".

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Balderrama reads on the claimed language of updating the displayed key group attribute information by replacing only the key group master information of the second key group with the third key group (see figs. 8, 9, and 13; col. 7, lines 4-11 and col. 13, lines 18-46; *which shows the display screen is updated by replacing only the second key group (162a-162f) with the third key group (172a-172e) corresponding to cell attribute and track number stored in the database.*)

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/
Primary Examiner, Art Unit 2175